THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12778 OF 2007

ORAL ORDER:

The petitioner herein was granted a quarry lease for black granite over an extent of Ac.1.85 cents (0.75 hectares) in Sy.No.506 of Bodulabanda village, Nelakondapally Mandal of Khammam District, for a period of 15 years vide proceedings of the 2nd respondent dated 2.9.1996. While so, by subsequent proceedings dated 18.5.2007 issued by the 1st respondent, the 5th respondent herein was granted a quarry lease for black granite over an extent of 0.60 hectares in the same survey number i.e., Sy.No.506 of Bodulabanda village for a period of 20 years. Since the area of quarry lease granted in favour of the petitioner as well as the 5th respondent are overlapping, the petitioner made a representation dated 30.5.2007 requesting the 2nd respondent to enquire into the matter and cancel the quarry lease granted in favour of the 5th respondent. Pursuant thereto, the 2nd respondent proposed to conduct a joint survey on 12.6.2007 and by letter dated 7.6.2007 called upon the petitioner to attend the said survey on 12.6.2007. It appears that immediately, thereafter, on 16.6.2007 the petitioner made a complaint before the 2nd respondent stating that the joint survey dated 12.6.2007 was not in accordance with the procedure prescribed and, therefore, it is necessary to conduct a re-survey of the entire Sy.No.506 and fix up the boundaries in respect of the area covered by the lease granted in favour of the petitioner.

Since, there was no response from the respondents, the petitioner filed this writ petition seeking a declaration that the proceedings dated 18.5.2007 under which the 5th respondent was granted quarry lease by the 1st respondent as arbitrary and illegal and to set aside the same.

This court ordered *Rule nisi* on 19.6.2007, pursuant to which notices have been served on all the respondents. However, no counter-affidavit has been filed by any of the respondents so far.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader for Mines & Geology appearing for respondents 1 to 4.

From the material placed before this Court, particularly the order dated 2.9.1996 granting lease in favour of the petitioner and the subsequent order dated 18.5.2007 granting lease in favor of the 5th respondent, it appears that there is overlapping in the area of lease granted under the above said two orders. In the circumstances, the petitioner is justified in seeking a joint survey and demarcation of the boundaries. Though a joint survey was proposed to be conducted by the 2nd respondent on 12.6.2007, the specific case of the petitioner is that no such survey was conducted. The learned counsel for the petitioner has placed before this Court a letter dated 26.7.2007 issued by the 4th respondent-Tahsildar, Nelakondapalli, in which he has stated that as per the office record, no survey was conducted and no NOC was issued in Sy.No.506 to an extent of Ac.0.60 hectares of Bodulabanda village with regard to grant of mining lease in favour of the 5th respondent.

Having regard to the facts and circumstances of the case, I am of the opinion that it is necessary to conduct a joint survey in the presence of all the parties concerned to resolve the controversy raised. Accordingly, the writ petition is disposed of with a direction to the respondents 1 to 4 to conduct a joint survey in respect of the entire land in Sy.No.506 of Bodulabanda village in the presence of the petitioner as well as the 5th respondent and fix up the boundaries of the areas leased out to the petitioner and the 5th respondent under the orders dated 2.9.1996 and 18.5.2007. Such exercise shall be completed within two weeks from the date of receipt

of a copy of this order. No costs.

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(G. ROHINI, J.)

3rd August, 2007.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12778 OF 2007

3rd August, 2007.

Between:

M/s Rajeswari Granites (P) Ltda.,
represented by its Managing Director,
Podili Devendranath. .. Petitioner.

And

The Director of Mines and Geology,
Hyderabad and others. .. Respondents.